PTO/SB/29 (05-03) Approved for use through 04/03/2003. OMB 0651-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Rapen and Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.							
CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL							
Submit an original, and	a duplicate for fee processing nal applications under 37 CFR 1.53	CHECK BOX, if applicable: (d) DUPLICATE					
Address to:  Mail Stop CPA	Attorney Docket No. of Prior Application First Named Inventor	SAMS01-00102 Bryan J. Moles, et al.					
Commissioner for Patents P.O. Box 1450	Examiner Name	E. Yun					
Alexandria, VA 22313-1450	Art Unit	2682					
	Express Mail Label No.	EU334308540US MAY					
This is a request for a continuation or Divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09 / 542,632 Cer filed on April 4, 2000 System and method for provisioning or updating a mobile station using over-the-air transfer of interpreted byte-code program							
Filing Qualifications: The prior application identified above must be a nonprovision application that is either: (1) complete as defined by 37 CFR 1.52(b), of (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).							
C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).							
EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is request to expressly abandon the prior application as of the filing date of the request for a CPA> 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.							
ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitles under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.							
35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application umber identified in such request, 37 CFR 1.78(a).							
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.							

be included on this form. Provide credit card information and authorization on PTO-2038.					
1.	V	Enter the unentered amendment previously filed on April 18, 2003			

A preliminary amendment is enclosed. 3. This application is filed by fewer that all the inventor(s) named in the prior application, 37 CFR 1.53(d)(4). **DELETE** the following inventor(s) named in the prior nonprovisional application:

The inventor(s) to be deleted are set forth on a separate sheet attached hereto. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.

5. Information Disclosure Statement (IDS) is enclosed;

a. PTO-1449

b. Copies of IDS Citations

Page 1 of 2

Page 1 of 2

This collection of information is required by 37 CFR 1.53(d). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 24 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop CPA, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

PTO/SB/29 (05-03)

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS				
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9.	•	orm PTO-2038 is attached.							
11.	Applicant requests suspension of action under 37 CFR 1.103(b) for a period ofmonths (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.  New Attorney Docket Number, if desired [Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided								
40	herein.]	•	<del></del>	Attorney Docket Nurr	iber nas been provided				
	12. a. Receipt For Facsimile Transmitted CPA (PTO/SB/29A)								
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ŀ	15. SIGNATURE OF APPLICANT, ATORNEY, OR AGENT REQUIRED  Name (Print Type)								
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	Registration No. (Attorney Agent) 39,775								

May 12, 2003

**DOCKET NO.: SAMS01-00102** Customer No.: 23990



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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of BRYAN J. MOLES, ET AL.

U. S. Serial No. 09/542,632

Filing Date April 4, 2000

Title SYSTEM AND METHOD FOR PROVISIONING OR

> UPDATING A MOBILE STATION USING OVER-THE-AIR TRANSFER OF INTERPRETED BYTE-CODE

**PROGRAM** 

Art Unit 2682

Examiner E. Yun

**MAIL STOP CPA** 

Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

## PRELIMINARY AMENDMENT

On April 18, 2003, the Applicants filed an Amendment Under 37 C.F.R. §1.116 in response to a final rejection received in an Office Action dated February 20, 2003. The Examiner maintained the final rejection and refused to enter the April 18, 2003 Amendment. In response, the Applicants are filing a request for a Continued Prosecution Application. A Continued Prosecution Application Request Transmittal letter and the appropriate fees are being filed with this Preliminary Amendment. The Applicants requested that the Examiner enter the April 18, 2003 Amendment and enter this

Preliminary Amendment as well. Please amend the above-identified application as follows.

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